

REMARKS

Reconsideration and allowance of the above-identified application in view of the and following remarks are respectfully requested.

Upon entry claims 71-102 are pending in the application. Claims 71-95 are directed to elected species and claims 96-102 are directed to a non-elected species. Claims 40-70 have been canceled herein.

ELECTION RESTRICTION UNDER 35 U.S.C. 121

The Examiner contends the application contains claims directed to patentably distinct species. For example, claim 41 contains:

41a: the specifics of the device being comprised a diffractive optical element

41b: the specifics of the device being comprised a lens element having curved surfaces.

41c: the specifics of the device being comprised a mirror and a free curved surface.

The Applicants confirm the provisional election, with traverse, of species II drawn to a plate-like image pick-up device classified in class 349, subclass 1. Newly added claims 71-95 are readable upon elected species II. The Applicants reserve the right to pursue newly added claims 96-102 in a divisional application. Moreover, as indicated by the Examiner, and pursuant to 35 U.S.C. 121, the Applicants elect a single species for prosecution on the merits out of many possible choices.

Claim 71 is similar to the subject matter recited in claim 49. Therefore, the Applicants respectfully submit that claim 71 complies with 35 USC 121 and respectfully submit that claim 71 is allowable.

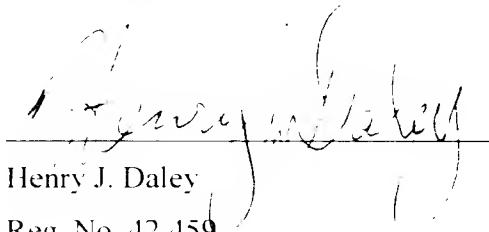
Claims 72-95 are dependent directly or indirectly upon allowable claim 71. Therefore, the Applicants respectfully submit that claims 72-95 are allowable.

CONCLUSION

Applicants have addressed all of the Examiner's restriction requirements and respectfully submit that the Application is in condition for allowance. A Notice to that effect is earnestly solicited.

Respectfully submitted,

PILLSBURY WINTHROP LLP


Henry J. Daley

Reg. No. 42,459

Phone: (202) 775-9832

GJP HJD KXG

1600 Tysons Boulevard
McLean, VA 22102